

REMARKS

Reconsideration and allowance are respectfully requested. No new subject matter has been added. The examiner is kindly requested to contact the undersigned at +1.858.314.1535 to discuss this reply.

35 USC § 112

Claims 1, 10 and 15 stand rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1, 10, and 15 have been amended to clarify that the data conveyance rules pertain to messages delivered to the data output device subsequent to the first message in response to the issues raised in the office action relating to the previous language reference "messages delivered to the data output device other than the first message". It is believed that such language should be clear in that the rules are applied to messages subsequent to the first message.

In addition, Claims 1, 10, and 15, and 20 have been amended to delete language referencing identification data to state "the data conveyance rules being identified using a user name for a user associated with the first message and/or a data output device identifier for the data output device" (for support, see, *inter alia*, specification par. 21). Such amendments were made to clarify to what the previously recited identification data refers to.

Accordingly, it is respectfully submitted that the rejections under 35 U.S.C. § 112 be withdrawn.

35 USC § 102 / 103

Claims 20, 23-28 stand rejected under 35 U.S.C § 102(e) as allegedly being anticipated by US Patent No. 7,209,916 B1 by Seshadri et al. Claims 1, 4-5, 7-9, 11, 14-16, and 19-22 stand rejected under section 103(a) as allegedly being unpatentable over Seshadri in view of Serrano-Morales et al. (U.S. Publication No. 2002/0032688 A1). Claims 2-3, 10, 12, 17, 21-22, and 29 stand rejected under section 103(a) as allegedly being unpatentable over Seshadri in view of Serrano-Morales et al. and in further view of Abrari et al. (U.S. Publication No. 2002/0120917 A1). Claim 6 stands rejected under section 103(a) as allegedly being unpatentable over Seshadri in view of Serrano-Morales et al. and in further view of Carlson et al. (U.S. Publication No. 2003/0046282 A1). Claim 13 stands rejected under section 103(a) as allegedly being unpatentable over Seshadri in view of Abrari. These rejections are respectfully traversed.

Claim 1 was amended to recite: "where the data distribution device maintains a state of the data output device so that data distribution device does not send duplicative data to the data output device" (for support, see, *inter alia*, specification par. 35). In addition, new claims 30 and 31, which depend on claim 1 respectively recite: "wherein the data is persisted at the data output device across trips between the data distribution device and the data output device" and "wherein a first frame rendered on the data output device continually refreshes to obtain new data and the obtained new data is passed to one or more additional frames rendered on the data output device that require at least a portion of the obtained new data" (for support, see, *inter alia*, specification par. 35). Various combinations of claims 1, 30, and 31 were incorporated into each of the other independent claims.

Seshadri relates to systems for delivery of notifications and performance of automated auctions for users in the framework of an ad-hoc rules processing environment. Delivery of

notifications to users can be based on personal preferences. In addition, with Seshadri, users can specify current user states (e.g., busy, relaxed, traveling, present) which can affect communications flow to the user. Seshadri does not disclose or suggest any mechanisms that would prevent duplicative data from being sent to the data output device. Rather, state information of Seshadri relates to user context such as busy, relaxed, traveling, present, etc. Other references to states in Seshadri are limited to factors such as the system, application state information, subscription state information. There is no suggestion that such state information is used for preventing delivery of duplicative data. Moreover, Seshadri is also silent as to data being persisted at the data output device across trips between the data distribution device and the data output device. In addition, there is no suggestion in Seshadri of the frame approach recited in claim 31 in which a first frame is rendered on the data output device and is continually refreshed to obtain new data and such obtained new data is passed to one or more additional frames rendered on the data output device that require at least a portion of the obtained new data.

Serrano-Morales fails to overcome the deficiencies of Seshadri as this reference relates to the use of a rules repository in which rules templates and instances thereof are stored. Such rules are used to address problems at a higher granularity level than what is being addressed by the recited subject matter. For example, with Serrano-Morales, rules such as minimum salary requirement in the context of issuing credit cards can be changed. Such use of rules do not implicate the transmission of duplicative data (nor does Serrano-Morales address such a problem). In contrast, the subject matter recited in the claims relates to how data is conveyed between a client and a server and how rules can be used to effect same. Moreover, Serrano-Morales does not fairly suggest mechanisms to prevent duplicative data from being sent to the data output device based on state information (the only references to states in Serrano-Morales

relate to geographic boundaries / governments) nor does this reference suggest persisting data across trips and/or the use of frames (only rule element choices, rule templates and instances therefore are described as being stored) as recited in claims 30 and 31.

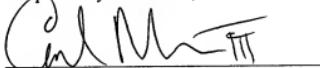
Therefore, the cited references do not disclose or fairly suggest each and every element of the independent claims, and as a result, the skilled artisan would not have resulted in the recited subject matter using such references. Accordingly, each independent claim should be allowable. Therefore, the claims depending should also be allowable. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Concluding Comments

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment. For at least the foregoing reasons, Applicant respectfully submits that the Examiner's rejections have been overcome and all pending claims are in condition for allowance. Reconsideration and allowance are requested.

If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below. A five-month extension of time is hereby petitioned. Authorization for a credit card payment of the five-month extension fee is submitted herewith. The Commissioner is authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 34874-358.

Respectfully submitted,



Carl A. Kukkonen, III
Reg. No. 42,773

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Address all written correspondence to
Customer No. 64280
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
3580 Carmel Mountain Road, Suite 300
San Diego, CA 92130
Phone: 858.314.1535
Fax: 858.314.1501